

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

DATE: NOVEMBER 27, 2017
TIME: 9:30 A.M.

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In re:

TIMOTHY P. SANKER and
TERRY ANN SANKER,

CHAPTER 13
CASE NO.: 17-35935(CGM)

Debtor.
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**NOTICE OF PRESENTMENT OF ORDER APPROVING
LOAN MODIFICATION AGREEMENT AND REDUCING
CLAIM TO ZERO**

PLEASE TAKE NOTICE, that upon the annexed motion of TIMOTHY P. SANKER and TERRY ANN SANKER the debtors, dated October 27, 2017, the undersigned will move this Court, at the United States Bankruptcy Court, 355 Main Street, Poughkeepsie, New York, on **November 27, 2017 at 9:30 A.M.**, or as soon thereafter as counsel can be heard, for an Order approving a Loan Modification Agreement.

PLEASE TAKE FURTHER NOTICE that objections to the relief requested, together with requests for a hearing, if any, must be (i) in writing, (ii) filed with the Court and (iii) served upon GENOVA & MALIN, 1136 Route 9, Wappingers Falls, New York, 12590, together with proof of service thereof, such that they will be received no later than one (1) day prior to the Presentment Date. Unless objections are received at least seven (7) days prior to the Presentment Date, the Stipulation and Order may be signed without a hearing before the Court.

Dated: Wappingers Falls, NY
October 27, 2017

GENOVA & MALIN
Attorneys for Debtor
By: /s/ Andrea B. Malin
ANDREA B. MALIN (AM4424)
Hampton Business Center
1136 Route 9
Wappingers Falls, N.Y. 12590
(845) 298-1600

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION

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In re:

TIMOTHY P. SANKER and
TERRY ANN SANKER,

CHAPTER 13
CASE NO.: 17-35935(CGM)

Debtors.

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**APPLICATION TO APPROVE LOAN MODIFICATION AGREEMENT REDUCING
CLAIM TO ZERO**

TO THE HONORABLE CECELIA G. MORRIS, CHIEF U.S. BANKRUPTCY COURT:

The application of TIMOTHY P. SANKER and TERRY ANN SANKER, the debtors,
respectfully represents:

1. On May 30, 2017, the above-captioned debtors filed a Request for Loss Mitigation with their first mortgagee, CAPITAL ONE, N.A. (“CAPITAL”) with the United States Bankruptcy Court, Southern District of New York.

2. On June 28, 2017, an Order granting Loss Mitigation was entered by this Court.

4. On or about October 10, 2017, CAPITAL offered the debtors a Trial Loan Modification. Annexed hereto as Exhibit “A” is a copy of the Trial Modification offer (the “Trial”).

5. Pursuant to said Trial Period, the debtors are required to make THREE (3) monthly trial payments each in the amount of NINE SEVENTY-SIX DOLLARS AND TWENTY-SIX CENTS (\$976.26), commencing on November 1, 2017 and continuing through January 1, 2018.

6. The trial payments include principal, interest, real property tax escrow and insurance escrow.

7. The Modification that will result will re-capitalize into the new loan the

principal, real property taxes, homeowners insurance, and all pre-petition and post-petition mortgage arrears including escrow amounts for real property taxes and insurance. If the debtor makes the THREE(3) trial payments, the debtor will be given a Permanent Loan Modification Agreement without condition and or limitation. The trial period provided is merely for the purpose of providing the mortgagee a THREE(3) month opportunity to review and confirm escrow amounts for taxes and insurance so that it may set final modification payment accurately. Accordingly, although the Final Modification is conditional upon the debtor's performance, it is not necessary to continue to carry this matter or delay approval.

9. To date, the debtor has accepted the modification and has sent their first trial period payment to CAPITAL as requested.

10. The debtors have voluntarily accepted the Trial, fully understand the terms and conditions set forth therein; and believe that it is in their best interest to accept same.

11. On August 28, 2017 CAPITAL filed Claim # 4-1 requesting the payment of pre-petition arrears over the life of the debtor's Chapter 13 Plan in the amount of FORTY FIVE THOUSAND THREE HUNDRED EIGHTY-SEVEN DOLLARS AND SIXTY-ONE CENTS (\$45,387.61).

12. As the modification includes the recapitalization of the pre-petition arrears, the claim should be reduced to zero.

WHEREFORE, it is respectfully requested that the Court enter the annexed Order approving the Trial Modification; and that the debtors be granted such other and further relief as to the Court may seem just and proper.

Dated: Wappingers Falls, NY
October 27, 2017

GENOVA & MALIN
Attorneys for Debtors

By: /s/ Andrea B. Malin

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